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CONCISE STATEMENT

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TRANSACTIONS AND CIRCUMSTANCES

RESPECTING

THE KING'S THEATRE, IN THE HAYMARKET.

BY MR. TAYLOR, THE PROPRIETOR.

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TOGETHER WITH

THE OFFICIAL CORRESPONDENCE

UPON THE SAME SUBJECT,

BETWEEN

THE RT. HON. THE LORD CHAMBERLAIN,

AND

EARL CHOLMONDELEY, &c.

THE SECOND EDITION.

L O N D O N :

PUBLISHED BY J. DEBRET, PICCADILLY; T. BECKETT, FLEET MALL;
AND J. MURRAY, FLEET STREET.

1791.

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KING'S THEATRE, JANUARY, 1791.

IT is now twelve months since I found it necessary to state to the parties immediately interested, the situation of this undertaking, menaced as it then was with utter ruin, (so lately after the dreadful calamity that had befallen it) in the grant of a Patent from the Crown, for a similar entertainment to be established upon the ground of Leicester-house; and I was in great hopes that the subsequent discussion and cancelling of that grant, together with the *recognition of the rights*, and above all, the *actual re-establishment of this Theatre*, would have rendered wholly unnecessary any further statement of the same interests; but most unexpectedly I have still experienced an opposition, so that I feel it again indispensably incumbent on me to state fairly to the public the true situation of this property; my own endeavours and efforts for the re-establishment and prosperity of it, for the ends of justice, to all the interests concerned; convinced, that when the real case is known, I shall not only establish, beyond controversy, the rights

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of the property itself, but likewise engage and conciliate the good-will of every person of honour and probity in the country.

In executing this task, I feel that duty and respect to an AUGUST PERSONAGE, and deference to other HIGH CHARACTERS, who are condescendingly endeavouring to reconcile and unite the opposing interests of the two Theatres, lay me under the most incumbent obligation, to avoid and suppress every thing that can tend to altercation or hostility, otherwise than when I am obliged to refer to papers already upon record ; I shall therefore calmly state my hard case, reserving however to myself a full right, when necessity shall call for it, to relate the whole of the treatment I have received, especially from Mr. O'Reilly, a man whom I had never known, much less injured, till he appeared as the principal agent in the attempt to crush and ruin me and my property for ever ; and that at a moment when labouring under a calamity, that one would have thought might have claimed forbearance, even from an enemy whom I had unjustly provoked.

In the year 1781, I purchased the whole of the property of this Theatre. Messrs. Wallis and Troward settled the agreement, and at their office the proper conveyances were prepared and (having been previously settled by counsel) executed. I took it, very fairly, subject

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to the incumbrances which had arisen and become attached to it, from prior purchases, improvements, and losses; all which, I conceived, did, in honesty and in justice, belong to the undertaking, and ought to go along with it. The gentleman, from whom I purchased, was entitled to a farther mortgage and an indemnity on the Theatre, which, however, he never pressed for; and it has always been one of my greatest regrets, that my subsequent misfortunes should have occasioned to him a very considerable loss, by the unavoidable failure of my engagements, many of which reverted back upon him.

In making this purchase, I certainly considered that the establishment of more than eighty years, the house itself standing upon premises leased from the Crown, *for the express purpose of a Theatre, the invariable protection of the Crown*, and the credit that had been given to the undertaking upon that faith (the progress of which was so well known, that the Theatre had been bought and sold as an established and transferable property) the recognition of it by the legislature itself*, amounted, altogether, to the most ab-

* Provided always that nothing in this act contained shall extend, or be construed to extend, to the *Theatres Royal in Drury Lane and Cobent Garden*, or the THEATRE, commonly called the KING'S THEATRE in THE HAYMARKET, or any of them. Stat. 25 GEO. II. Chap. 36. Sec. iv.

solute certainty of the continuation of an *exclusive licence* (if not forfeited by criminal misconduct) to carry on that kind of entertainment, upon the establishment of which so much property had been embarked. Under this idea, upon comparing next season the income of the Theatre, with the necessary expence of the establishment, which had of late years greatly encreased in every respect, I found that there was not space sufficient within the walls of the old Opera-house, to form such accommodations for the subscribers and the public, as to render it with any certainty a profitable undertaking. In consequence of which I projected an improvement, which I carried into effect in the summer of 1782, and by which the Theatre itself was not only enlarged (by throwing the passages outside of the walls) and also beautified, but by augmenting the number of boxes, the *annual* subscriptions were encreased from *five thousand pounds* to nearly *ten thousand pounds*, at which they stood when the recent calamity happened to the property. This improvement, however, the greatest (as nothing but the old walls were retained) that ever was made since the first building of the Theatre, as well for the convenience of the subscribers as for the permanent interest of the property, cost a sum of money exceeding *ten thousand pounds*, which,

which, together with some unexpected losses, and a failure in the receipts of the ensuing season, and above all, a most unjust litigation then existing, brought about an embarrassment in the affairs of the Theatre in the spring of 1783, before I had time to enjoy those advantages, which I had the most reasonable expectation to look ultimately for from this expensive and beneficial improvement; and here let me say, that if any thing can be charged against me, it is perhaps some degree of imprudence in venturing so soon upon so expensive an alteration, without sufficient funds to answer any future unlooked-for deficiency; but in answer to this, I can, with truth affirm, that had it not been for the unfortunate failure at this time of some gentlemen, with whom I was connected, nothing that happened would have hurt me; and I should probably have reaped, undisturbed, the just profits of the improvements I had enterprized. If, however, any real blame can be justly imputed to me upon that occasion, I do sincerely trust, that my perseverance afterwards, under, at the best, uneasy and discouraging circumstances, and, at last, under calamity itself, in adhering to and maintaining the just interests of this undertaking, will, at least, prove, that in whatever I attempted, I was actuated alone by motives of justice and of honesty to all the parties concerned.

It is here, however, particularly to be observed, and I hope I may state it, without indelicacy or offence, *that at the moment that* very embarrassment happened, there was *actually more money owing for subscriptions* to the Theatre, than *double the sum* for which I was attached. But I need not remark, what must be to every person so very obvious, that whilst I myself was open to the operation of the law, for my engagements, I durst not even pre-
fessing, much less litigiously, call upon the supporters of the undertaking for what was owing from them; and I confidently appeal to the candour of many, whose subscriptions were then in arrears, whether I ever attempted so to do.

In this situation, I did freely and honestly what remained in my power, namely, to make over the management *in trust for all the interests concerned*; and from that period to the time that the misfortune by fire happened, I never interfered in the business of the Theatre in any way. To say that the entertainments, during that interval, were carried on so well or so magnificently as they might or ought to have been, would be contradicting my own unalterable opinion upon the subject; but I do contend, that they were nevertheless conducted even better, and at an *expence* much greater than the general establishment of Italian Ope-

was prior to the year 1780; at the same time that the subscriptions remained the same as they were first established eighty-seven years ago.

In June 1789, the Theatre was unfortunately burnt down, and every thing was consumed. I immediately applied to *Mr. Gallini*, the trustee and mortgagee then in possession, and I earnestly besought him either to unite heartily with myself and the other parties interested, for the purpose of rebuilding the house, and reinstating the property of it; or that he would, upon reasonable terms, accept of the money due to him.—The latter alternative he made choice of; and in the adjustment of his demands, I was attended on his part by *Mr. O'Reilly* (who has since become so conspicuous a character in this business) then in the capacity of one of *Mr. Gallini's* attorneys. The whole of the subsequent transactions between *Mr. Gallini*, *Mr. O'Reilly*, and myself, I abstain from stating, in conformity to the promise I made in the commencement of this address. Suffice it, I at length considered *Mr. O'Reilly* as meaning to befriend me in my efforts to reinstate my ruined property, and pledged against any scheme of *Mr. Gallini's*, should any such arise, to counteract those efforts; and I hope it will not be considered as an infraction of the stipulation, which, at the beginning of this statement,

I laid down for myself, here to digress so far, as to state Mr. O'Reilly's transaction with Mr. Louis of Paris.

Mr. O'Reilly acted as an agent for Mr. Gallini in the settlement with me, whereby I agreed to pay him the whole of his demands, for the express purpose of rebuilding the Theatre; was present at Mr. Lowten's chambers when the agreement was concluded; wished me joy upon it, and success in my endeavours to reinstate this property. This took place on the 15th of August, 1789; and about the 27th or 28th of the same month, as it is *stated upon oath before the Court of Chancery*, and not attempted to be denied, that upon the first rumour of Gallini's plan to build a Theatre in Leicester Square, Mr. O'Reilly being questioned upon it, he (Mr. O'Reilly) replied, that *if Gallini had entertained any such intentions, which was by no means the case, the attempt, after first taking his full money from a property, under such circumstances as the Opera House then was, and the next moment to build a Theatre, which, if successful, must ruin all the interests of the old undertaking, was so dishonest and so dishonourable, that no man could or would encourage said Gallini in such a scheme; and said O'Reilly authorised this deponent to contradict such report in the most positive terms, wherever he found it mentioned.* Yet with the knowledge of my readiness to pay Mr. Gallini, for the ex-
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press purpose of re-building the old Theatre, for the benefit of all the *proprietors* and *claimants*, Mr. O'Reilly set out for Paris in a very few days after this declaration, and gave there instructions to prepare plans for building a Theatre in Leicester Fields, for which it would appear that he had previously solicited a licence or patent, to accomplish those very *dishonest* and *dishonourable* purposes, which he himself had so severely reprobated.

TRANSLATION OF MR. LOUIS'S LETTER
TO A GENTLEMAN IN LONDON.

*The Original of which is deposited with Mr. Bell, of the
British Library.*

" SIR,

Paris, March 18, 1790.

" I HAVE been exceedingly surpris'd to hear,
" that Mr. O'Reilly says to those who will hear it, that
" he has made some plans for a new Theatre; it may
" perhaps be so; but what I can aver is, that he em-
" ployed me to make plans for the construction of an
" Opera House. It is true, he gave me the instruction
" necessary to enable me to conform myself to the cus-
" toms of your country. I pass'd night and day to exe-
" cute those plans, because he inform'd me that he was in
" a very

" a very great hurry to begin this great undertaking. Up-
 " on his return from Italy, he found this work executed,
 " at which he expressed the greatest gratitude, assuring me
 " that he never saw any thing better conceived or better
 " executed, and that it was most perfect in every respect ;
 " those were his words, and I can furnish proofs of what
 " I advance. At his departure for London, he assured me
 " that I should not be long before I heard from him ; but
 " since that time, (about December last) I never have heard
 " any thing of Mr. O'Reilly ; and I am the more surpri-
 " sed at it, because I know he shews plans, saying that he
 " never saw, and that he does not know me ; it is how-
 " ever fortunate, that there are a number of persons of
 " character who saw him at my house, and heard him give
 " me those instructions respecting the customs of the coun-
 " try. Moreover, Mr. O'Reilly, when he came first to
 " my house, informed me that the *Prince of Wales* had
 " told him, if he could prevail on me to make plans for an
 " Opera House in London, he himself (the Prince) could
 " answer for the protection of his Majesty, and that he
 " might rest assured of his own. This was more than
 " sufficient for me : I believed Mr. O'Reilly's word, and
 " in consequence I made plans, which, I flatter myself,
 " are some of my best productions, as much for the build-
 " ing

“ ing itself, in which I do not use timber, as for the general construction of the edifice.

“ I beg your pardon, Sir, for troubling you with this detail; but I confess to you, that I feel myself exceedingly hurt at the proceedings of Mr. O'Reilly; and I shall be obliged to you to tell him, that I have had the honour to write to you about it, and say, from me, that I do not think men of character and talents should be treated in the way he has done me; it is not that I reproach him because he did not pay me, for I am above considerations of that kind,

“ I have the honour to be,

“ SIR,

“ Your most obedient servant.

“ LOUIS.

“ *Director of the Buildings of his Serene Highness*

“ *The Duke of Orleans.*”

N. B. Mr. Louis is not only an artist of the first reputation, but likewise a man in the highest estimation for probity and honour,

To return to my narrative:—

Mr. Gallini determined upon the alternative of receiving the money due to him from this property, instead
of

of engaging in rebuilding the Theatre for the benefit of all parties interested; previous, however, to his coming to this resolution, some circumstances occurred, to which the *greatest* attention is due, and I humbly request it, as they prove a material part in my *case*, and were the chief grounds, upon which so many of my principal creditors, my friends and others, were induced to embark fresh sums to help the rebuilding of the Theatre for the common benefit, after Mr. Gallini had declined it.

Not long after the misfortune of the fire, a report prevailed that some Noblemen of great rank and fortune meant themselves to establish an Opera House on a new plan. The apprehensions felt by myself and all concerned in the old Theatre were, however, soon quieted by the communication from Mr. Troward, our Solicitor, of the following public and official correspondence on that subject.

Correspondence

*Correspondence respecting a Proposal to Build a new
Opera House, soon after the old House was burnt
down.*

EARL CHOLMONDELEY TO THE EARL
OF SALISBURY.

" MY LORD,

" *London, 3d July, 1789.*

" THE plan which the Duke of Bedford,
" with some others and myself, have in contemplation re-
" specting the erecting an Opera House, is in great
" forwardness, and, I flatter myself, it is upon such a per-
" manent basis and liberal terms as will meet with general
" approbation.

" Your Lordship will perceive, by the inclosed copy of
" a letter, *our sentiments and disposition towards the proprie-*
" *tors of the old Opera premises,* (whoever they may be)
" and our motive in sending it your Lordship, is to *prevent*
" *any misrepresentation of our views in building a new*
" *Theatre,* which you will perceive is intended to be done,
" ONLY IN THE EVENT OF THE FORMER PROPRIE-
" TORS NOT BEING ABLE TO REINSTATE THEIR PRE-
" MISES in a way suitable for the purpose. At a proper
" time we mean to request your Lordship's perusal of our
" plan

" plan, which we shall take care previously to have thro-
" roughly digested by the first legal assistance.

" I have the honour to be, with the highest respect,

" My Lord,

" Your Lordship's most obedient humble servant,

HA

" CHOLMONDELEY."

*The following is a Copy of the Inclosure in the
foregoing.*

EARL CHOLMONDELEY TO MR.
TROWARD.

" SIR,

" London, July 3, 1789.

" AS I understand the Proprietors and Mana-
" gers of the Opera House are to have a second meeting
" to consider the means of reinstating the old buildings, and
" as they probably may have heard that the Duke of Bed-
" ford, some others, and myself, have a scheme in con-
" templation for erecting a new Theatre for Italian Operas,
" I must desire you will apprise the parties at such meeting,
" of the forwardness of our plan, and acquaint them, at
" the

“ the same time, that *we are engaged therein upon the pre-*
 “ *sumption of the very great improbability* (as it appears to
 “ us from every thing we can learn) *of the present building be-*
 “ *ing re-established*; and that it is ONLY UPON CONDITION,
 “ and in THE EVENT OF A THEATRE SUITABLE FOR
 “ THE PURPOSE OF ITALIAN OPERAS NOT BEING
 “ RESTORED TO THE TOWN ON THE OLD SPOT by the
 “ PROPRIETORS and CLAIMANTS, (*which we have not*
 “ *the least wish to prevent*) that our plan is intended to be
 “ *carried into execution*; but if, from the confusion of the
 “ interest of the parties, and the difficulties and particular
 “ circumstances involving the present property, there is no
 “ chance of that being done——

“ We then, from a desire of securing to the town the
 “ desirable amusement of an Italian Opera, are determined
 “ that a building shall be erected, and operas set on foot
 “ under our direction, provided our plan is approved by
 “ the personages whom it will be proper to submit it to;
 “ and, in that case, out of regard to Mr. Vanburgh, the
 “ landlord of the present premises, we shall be very glad
 “ to give preference to his ground, if the same can be in-
 “ sured to us free from danger of our being entangled with
 “ law controversies; otherwise we must think of some
 “ other spot.

“ *That our sentiments on the above subject may not be mis-*
 “ *understood,*

" understood, I beg you will communicate what I have said
" to the parties concerned.

" I am, Sir,

" Your most obedient humble servant,

" CHOLMONDELEY."

I need not say, that this communication by Mr. Troward, to me and the claimants upon this undertaking, at once dissipated all our fears, that any interruption to our just endeavours to *re-establish* the *old Theatre*, for the benefit of the *Proprietors and Claimants*, would arise from the noble personages in question, while we had a rational prospect of accomplishing that object; at the same time, as we were sensible both of the justice and necessity of the argument, that the nobility should not remain deprived of that amusement, should we be unable to reinstate our premises; it was resolved therefore not merely to reinstate, but to provide a Theatre of infinitely superior elegance and accommodation. One circumstance only seemed wanting to encourage those who appeared willing to assist me, in case Mr. Gallini withdrew, and that was some intimation of his Majesty's gracious attention to the calamity which had happened, and that the Lord Chamberlain saw the matter in the same light,
and

and was equally inclined to give the same just preference to the unfortunate *Proprietors* and *Claimants* of the *old Property*, as the noble proposers of the new plan had pledged themselves to. This further satisfaction we were happy to receive in the following official letters from the Lord Chamberlain to Lord Cholmondeley, communicated also by Mr. Troward.

THE EARL OF SALISBURY TO EARL
CHOLMONDELEY.

* MY LORD,

" Hatfield, 7th July 1789.

" I WAS honoured only last night with
" your obliging letter, dated 3d of July. Having already
" received proposals from Mr. Gallini, *for reinstating the*
" *old building* for THE BENEFIT OF THE PROPRIETORS
" and CLAIMANTS, I am *sorry it is not in my power to*
" *pay that attention to your Lordship's wishes, which it would*
" *be so much my desire to do,* 'till I know whether the
" above plan will be carried into execution.

" I have the honour to be,

" Your Lordship's most obedient humble servant,

" SALISBURY."

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EARL

THE EARL OF SALISBURY'S SECOND
LETTER TO EARL CHOLMONDELEY,

After receiving his Lordship's and the Duke of Bedford's Plan.

" MY LORD,

" ON my arrival at Weymouth, I received the honour of the Duke of Bedford's, and your Lordship's letter, with proposals for building a new Opera House, which I laid before his Majesty. I should be very happy to give every countenance to such an undertaking; but as it is NECESSARY for me to procure the best terms for THE PROPRIETORS OF THE LATE THEATRE, and as Mr. Gallini has nearly offered to indemnify Mr. Vanburgh for his loss, I think it is but JUSTICE that I should give the preference to his Plan. I return your Lordship and his Grace many thanks for the honour you intended me, if your plan was carried into execution, which I request I may have the liberty to decline.

" I am, My Lord, with the greatest regard,

" Your Lordship's most obedient humble servant,

" SALISBURY."

Weymouth, 17th August, 1789.

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In consequence of these communications, corresponding exactly with the King's gracious sentiments, conveyed to me in the year 1782, by the late Duke of Manchester, then Lord Chamberlain, it was now the unanimous opinion of all parties interested in the re-establishment of the old Theatre, that nothing was to be feared, even if Mr. Gallini should retract his offer of *reinstating the old building for the benefit of the Proprietors and Claimants*; because it appeared by the positive declaration of his Majesty's Lord Chamberlain, after taking his Majesty's pleasure, that his Lordship refused to countenance a proposal from the Duke of Bedford and Earl Cholmondeley, because he had received proposals for the *benefit of the Proprietors and Claimants of the old House*; and as his Lordship states it in his second letter, because he *judged it necessary to procure the best terms for the Proprietors of the late Theatre*.

From this time, I occupied myself in the necessary arrangements with the Claimants and parties concerned for settling a plan for our mutual benefit, by paying Mr. Gallini's claims, and proceeding on the rebuilding; for the first of which purposes, the requisite sum was immediately subscribed, and the greatest part of it deposited and kept in constant readiness for Mr. Gallini's appointment to receive, according to his agreement of the 15th of August, which had been reduced to writing, and laid

before his own Counsel to settle; and preparatory to the reinstatement of the building, models, plans, and other expences of various kinds, but in the whole to a considerable amount, were incurred; when, in the end of November, I, for the first time, and to my utter astonishment, received *certain* information of the views of Mr. Gallini (for O'Reilly was not yet mentioned) respecting his scheme in Leicester Fields, and that a patent for that purpose was in contemplation. Still, however, it was the general opinion, that an act of such oppression to an undertaking so long established as this had been, and more especially under calamity, would never receive the necessary sanction of the Lord Chancellor; inasmuch indeed were all the parties concerned persuaded of the fate of the projected patent, that they concurred with me in the expediency of vigorously pursuing the plan of reinstating this Theatre.

In consequence of this report, nevertheless, upon the 8th of December, I wrote a letter to the Lord Chamberlain, the first and the last parts of which, it is here material to state; and they are as follow, viz.

“ MY LORD,

“ I FEEL myself under the necessity of
 “ taking the liberty to address your LORDSHIP, as Lord
 “ Cham-

“ Chamberlain of his Majesty’s Household, upon the
 “ subject of the Opera House, in consequence of a variety
 “ of reports, circulated by Mr. Gallini, that your Lord-
 “ ship had either granted, or given him encouragement
 “ to hope, for a licence, to build a new Theatre in
 “ Leicester Fields, to the utter ruin of all the interests
 “ involved in the present established undertaking ; a
 “ measure so manifestly, not only unjust, but even cruel,
 “ that I persuade myself your Lordship would not for a
 “ moment entertain such an idea, unless the facts and
 “ circumstances, respecting the business, had been very
 “ much misrepresented to your Lordship.”

* * * * *

“ The information, contained in this letter, I beseech
 “ your Lordship, in behalf of all those who have interests
 “ in the property of the King’s Theatre, to lay before
 “ his Majesty, in whose justice I am confident, we shall
 “ find protection ; and I shall be very glad, at any time,
 “ to have the honour of waiting upon your Lordship,
 “ still further to explain this business in every particular ;
 “ the amount and conclusion of which, is, that the other
 “ parties and myself, whose property is embarked in the
 “ Opera House, are ready to pay Mr. Gallini his de-
 “ mands, to rebuild the Theatre, and to put the business
 “ of the entertainments upon such a plan as shall be ap-

“ proved of by the Crown ; or we are willing to give up
“ the whole concern to Mr. Gallini, on his rendering to
“ us that justice, which we offer to him ; all which I
“ humbly submit to his Majesty’s justice and considera-
“ tion.

“ I have the honour to be,

“ With very great consideration and respect, &c.

“ W. TAYLOR.”

The whole of this letter was printed and circulated last year ; I have therefore now reprinted only such parts of it, as repel the insinuations of my having, at this crisis, neglected to make application to the Lord Chamberlain, or having done so in an improper manner.

It is to be particularly observed, that when I wrote this letter to Lord Salisbury, on December 8, stating my readiness, with the other parties, to *reinstate the old Theatre, for the benefit of all the proprietors and claimants*, according to the justice laid down by his Lordship, in his letter to Lord Cholmondeley, no expence whatever had yet been incurred, except as to Mr. Louis’s plans, which had not been paid for, respecting the scheme in Leicester Fields ; for Mr. O’Reilly, in his affidavit, swears, that being informed by the Lord Chamberlain, “ *that the premises in Leicester Square, on which deponent*
“ and

“ and Mr. Gallini did (among other things) propose to build
 “ their Theatre, must be first purchased, before any further
 “ proceedings could be had, deponent did AFTERWARDS
 “ (on the 16th of December, as sworn to) contract for the
 “ same, &c.” which contract, however, as appears by the
 same affidavit, was not carried into effect, until the 18th
 of January following, at which time even the warrant for
 Mr. O'Reilly's patent had not yet been signed.

Not having been honoured with any answer whatever
 from the Lord Chamberlain to this letter, I, upon the
 18th of December, took the liberty of addressing another
 letter to his Lordship, of which the following is a copy:

“ Mount Street, 18 December, 1789.

“ MY LORD,

“ I WAS in hopes of having had the
 “ honour of hearing from your Lordship, before you left
 “ town, in answer to my letter respecting the Opera
 “ House, the contents of which I requested your Lord-
 “ ship to lay before his Majesty, in case any measure was
 “ in the contemplation of the Crown about that under-
 “ taking, which did not include and extend complete
 “ justice to all the parties and persons who have property
 “ in it. But not having been honoured by your Lordship

“ with any communication upon the subject, and being a
 “ matter of the last consequence to myself, and of im-
 “ portance to a great number of families and individuals, I
 “ hope your Lordship will forgive me for requesting the
 “ favour of your Lordship to inform me, if you laid my
 “ representation before his Majesty, and what was his
 “ Majesty’s royal pleasure upon it. I did not presume to
 “ solicit your Lordship any favour, well knowing that I
 “ have no pretensions to do so ; I only intreated of your
 “ Lordship, if it lay in your department, to do me the
 “ justice of representing my situation to the Crown ; but
 “ if it does not, I will esteem myself very much obliged to
 “ your Lordship to set me right about it, in order that I
 “ may lose no time in making the real state of this business
 “ known to his Majesty through the Secretary of State ;
 “ and if I do not hear from your Lordship, in the course
 “ of Monday forenoon, it is my intention, by public adver-
 “ tisement, to state the whole of this transaction, together
 “ with my application to your Lordship, to the parties in-
 “ terested in the property of the Opera House, in order that
 “ they may immediately assemble, and join in a Memorial
 “ to the Crown upon the subject ; because, if there is justice
 “ in the government of the country, or fairness amongst
 “ the people, a measure so fraught with cruelty and op-
 “ pression,

“ preffion, as the depriving of a number of individuals of
“ their property, will never be permitted.

“ I have the honour to be,

“ With very great respect,

“ My Lord,

“ Your Lordship’s most obedient humble servant,

“ W. TAYLOR.

“ *The Marquis of Salisbury*

“ *Lord Chamberlain of his Majesty’s Household.*”

To which I had the honour to receive from his Lord-
ship the following answer :

“ SIR,

“ *Hatfield, 20th December, 1789.*

“ BEFORE I received your first letter,
“ dated 8th instant, I conceived a patent for a new
“ Opera House was so far engaged to Messrs. O’Reilly
“ and Gallini, that I thought it *totally useless* to trouble
“ his Majesty with *your representation of what had passed*
“ *between you and the other parties interested.* I shall
“ give

“ give orders for *the papers to be returned* to you when-
“ ever you send for them.

“ I am,

“ SIR,

“ Your obedient servant,

“ SALISBURY.”

“ *W. Taylor, Esq.*”

To this letter, I wrote the following answer:

“ *Mount Sreet, 1st January 1790.*

“ MY LORD,

“ I AM very sorry, that your Lordship
“ did not submit to his Majesty my representation ; be-
“ cause, if the King had become under any engagement,
“ not founded upon the principles of justice and equity,
“ the motives by which alone his Majesty can be actuated,
“ it was doubly necessary to state the real situation of the
“ business, in order to check, in the first instance, so dis-
“ honest an attempt, as that which Mr. Gallini has en-
“ deavoured to practice upon this occasion. A surrepti-
“ tious application, founded upon a mis-statement of the
“ truth, by this man to your Lordship, I was apprized
“ of ; but your Lordship's letter contained the first inti-
“ mation of the association of a Mr. O'Reilly. How the
“ clerk of one of Mr. Gallini's attorneys, (for so I am
“ well

“ well assured Mr. O’Reilly is) and a person wholly un-
 “ connected with the property in question, should have de-
 “ served so much consideration from the Crown as a
 “ grant of so beneficial a nature, as a patent for an opera
 “ house, and that too to the entire ruin of the property of
 “ a number of families and individuals, property fairly
 “ advanced upon the faith of an undertaking which has
 “ been established for more than eighty years, is a matter
 “ very far beyond my comprehension. But, in my humble
 “ judgment, his services must have been of a nature the
 “ most essential to the public interests, to induce the ad-
 “ visers of the Crown to recommend so extraordinary a
 “ grant in his behalf.

“ With respect to the papers which I have transmitted
 “ officially to your Lordship, upon this subject, I must
 “ repeat my former request, that you will lay them, (to-
 “ gether with a memorial to his Majesty, which I shall
 “ leave at the office of the Lord Chamberlain) before the
 “ King, and take his royal pleasure upon them ; because
 “ I am confident, that, when his Majesty is instructed in
 “ the real state of this business, he will be very far from
 “ encouraging the attempts of Mr. Gallini, founded as
 “ they are in misrepresentation and injustice. This re-
 “ quest I make to your Lordship as a right, to which I
 “ am entitled as a subject of the country, from your
 “ Lordship

“ Lordship in your official capacity, as the regular channel
 “ of communication upon this subject to the foot of the
 “ throne ; but, if your Lordship is determined to de-
 “ cline this just representation to his Majesty, in which
 “ the property of so many persons is involved, I be-
 “ seech your Lordship to inform me of such your deter-
 “ mination, because that circumstance only can plead my
 “ justification for approaching his Majesty through any
 “ other channel ; which, in justice to all the parties in-
 “ terested, I cannot honestly delay any longer. At all
 “ events, those papers must remain in your Lordship’s of-
 “ fice ; because, when this business comes to be solemnly
 “ investigated and discussed, which unquestionably it must
 “ and will be, before so many families can in one moment
 “ be deprived of their property, it is of the most ma-
 “ terial consequence for me, on every account, to be able
 “ to shew to his Majesty and the ministers of the Crown,
 “ as well as to the parties immediately interested, that I
 “ have acted with proper respect to your Lordship’s office,
 “ in a business of the most alarming nature and conse-
 “ quence to a number of persons, beside myself.

“ I have the honour to remain,

“ With very great respect, my Lord,

“ Your Lordship’s most obedient humble servant,

“ W. TAYLOR.”

To

To which letter, I had the honour to receive the following answer :

“ SIR,

“ I TAKE the earliest opportunity of informing you, that I, this day, presented to his Majesty your memorial, and the state of facts, concerning the Opera House, which were left at my office.

“ I am, Sir,

“ Your obedient humble servant,

“ SALISBURY.”

“ *Arlington Street, 7th January 1790.*

“ *W. Taylor, Esq.*”

In consequence of this official information from the Lord Chamberlain, that his Majesty had been made acquainted with the true state of the then situation of this undertaking, the readiness of myself and the other parties to rebuild it for the common benefit, I called publicly a general meeting of the Claimants, in order that they might concur in the steps I had taken, and, in such concurrence, by presenting a similar memorial to the Crown, still farther strengthen that claim to justice and protection, which the Lord Chamberlain himself, in his letters
to

to Lord Cholmondeley, had stated to be his Majesty's gracious intentions towards the unfortunate *Proprietors* and *Claimants* of this establishment. This meeting took place on the 21st of January, where I stated to the persons present, the measures I had adopted for the general interests of us all, of which they not only approved, but they likewise directed Messrs. Wallis and Troward, the solicitors for the mortgagees, to prepare a memorial from themselves to his Majesty, which memorial, after having been subscribed by the trustees for the mortgagees, as well as by many other persons concerned, was transmitted to the Lord Chamberlain, and by his Lordship, (as Mr. Troward stated at a subsequent meeting of the Claimants, on the 15th of February) laid before the King, whose pleasure upon it, however, Lord Salisbury said, he had not then received. The parties interested were nevertheless so perfectly persuaded of his Majesty's gracious protection to them, in their endeavours to reinstate their property, and were so sanguine and confident, that the same consideration for the old PROPRIETORS and CLAIMANTS (themselves) which had been stated by the Lord Chamberlain as a necessary ground of preference for the plan of Mr. Gallini, who was only a single creditor, and who had been more than once even under the declared displeasure of

of

of his Lordship, would still more forcibly operate in favour of the united body of claimants, when assisting the efforts of the actual proprietor, who certainly had never given offence to the Lord Chamberlain; that they immediately nominated a committee to concur with and to assist me, in pursuing the necessary steps, and making the requisite engagements for reinstating the Theatre.

After a suspension of many weeks, however, in which time a very considerable expence had been incurred in the building itself, but still more in the arrangements and preparations already made for it, I was very much surprised to receive an intimation from the Court of Chancery, that the patent, originally intended for Mr. Galini and Mr. O'Reilly jointly, had been changed to O'Reilly alone, and was then in its progress to the GREAT SEAL. I immediately consulted with the gentlemen of the committee, nominated by the proprietors and claimants to act with me; and they were unanimously of opinion, that a grant of so ruinous a nature and consequence to the old undertaking, in contradiction of the declared protection of the crown, through the Lord Chamberlain, and that too in favour of a man who had not the pretension of a single shilling of interest in the established Theatre, nor even the claim of acquaintance with its concerns, could never be permitted to pass into effect.

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Nevertheless, they were also clearly of opinion, that, since a very heavy expence had been now incurred, it certainly would be but discreet and prudent, and indeed honest in us, to know exactly how far we could, in case of necessity, rest with security, upon the resort, so frequently mentioned, of the use of Mr. Harris's dormant patent; in consequence of which we held a meeting for this express purpose, at the office of Messrs. Wallis and Troward, where Mr. Wallis produced a copy of the patent, and declared that he had full authority from Mr. Harris to assure us, that he bore so much regard and goodwill to the unfortunate interests of the old Theatre, that he would, if we should be driven to it, give us the use of his patent, upon very moderate terms, and which he had left wholly with Mr. Wallis to arbitrate and settle between him and this property; at the same time Mr. Wallis mentioned from Mr. Harris, what we all thought extremely proper and reasonable, that his patent should not be the foundation, or the means of the rebuilding, but that, when the Theatre should be reinstated, it should protect and support it.—Mr. Harris indeed, afterwards, said, that his proposal must be understood to be subject to his Majesty's pleasure; observing, however, at the same time, that his confidence in the King's justice was such, that he had not any apprehensions

sions of being interdicted from using his property to such a purpose. I must, however, here observe, that so far have I been from pressing Mr. Harris to embark in assisting me, with any detriment or ill will to himself, which I should think a bad return for the good offices I have experienced from him, as well as the other proprietors of the Winter Theatres; that I actually wrote to him some time since, that I should by no means, press my claim for his assistance, in any manner, that might either injure or even embarrass him. Encouraged still further by this certain resource, as we conceived it, but by no means despairing of his Majesty's gracious and accustomed protection, when our case should be understood, and when it should also be manifest that the Theatre itself would be actually reinstated, we proceeded towards the accomplishment of that object with double vigour.

We applied, at the same time, to the other proprietors of the winter Theatres, who, undoubtedly conceiving that a similar calamity might happen to their property, and that a similar opposition would be the destruction of their established interests, gave us the warmest assurances of their good wishes, and of every support in their power.

It now became certain that the projected patent was proposed to the Great Seal; the most eminent counsel

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were

were immediately retained for the interests of the old Theatre. The case was solemnly argued by the Solicitor General, Mr. Mitford, Mr. Hardinge, Mr. Graham, and Mr. Hollist, on our behalf, and by Mr. Anstruther and Mr. King, on the part of the two winter Theatres, who had likewise petitioned the Chancellor against the alarming innovation of the establishment of a fourth Theatre, in the person of Mr. O'Reilly. Upon the hearing, which was adjourned three times, the Lord Chancellor declared himself to the following effect:— That very strong grounds indeed, must be laid before the Court, to induce his Lordship to pass a grant of such a nature. That it appeared to him, that there was an existing licence, upon the faith of which, the parties had embarked their property, and for the continuance of which they had the most perfect security in his Majesty's known justice and benevolence; and that if there was no other reason for such a grant, than to deprive the parties concerned in the old establishment, merely because a calamity had overtaken their property, it was an idea that every honourable mind must shudder at: that, by passing such a grant, (the old Theatre being then in an advanced state of re-establishment) a competition would be set up, which, in some cases, was beneficial, but that in this, his Lordship feared

feared would be ruin ; and that, consistently with equity, the parties interested in the old house could not be deprived of their tenant right. His Lordship further observed, that the King undoubtedly might grant a patent or licence for plays the next door to Drury Lane or Covent Garden Theatres ; but the consequences of such grants, to those old establishments, and to the property embarked upon the faith of them, would be of so ruinous a nature, that his Majesty's justice would never suffer him to do it.

Upon those strong grounds of the justice of our case, so solemnly recognized, and conformally to which I have every reason to think that the Lord Chancellor's report to his Majesty was made, all parties concurred in the propriety of pursuing the re-building of the Theatre with the utmost possible dispatch. And after this important decision, I hoped to encounter no more difficulties in my endeavours to re-establish this undertaking, out of the severe calamity that had befallen it, by which a property of upwards of £30,000, beyond the sums insured, was irrecoverably lost ; but to my utter astonishment, and greatly to my embarrassment, I found an advertisement, published in the different newspapers by Mr. O'Reilly, stating, that he had purchased the whole of the premises of this Theatre, after the end of my lease, (nearly four-

teen years to come) and cautioning the public not to advance any money upon so short a term ! Here again I suppress my feelings upon this conduct, nor will I suffer myself to believe, that Mr. Vanburgh, one of my landlords, on whom I had every claim to protection, who had constantly, even when the expences of the establishment had exceeded the income of the Theatre, received a clear annual rent of £1260 for a spot of ground, which, according to the value of the adjoining estates, is not worth £300 a year, and for which he himself pays little more than £60 of a rent to the crown, to whom there was not, at the time of the calamity, the smallest arrear of rent due, would have joined to oppress and ruin his tenant, as he has done, (by with-holding to this hour, £3,500 insurance money, received by him in consequence of the fire, and which he was not less bound in honour and probity, than by an express and positive covenant in his lease, to apply towards the re-instatement of the Theatre) *if he had* really understood either my situation, or that of the property.

Regardless, however, of those difficulties, and relying upon the upright decision of the Lord Chancellor, the re-establishment of the property was pursued with the greatest expedition ; and every idea of a Theatre in Leicester Square having, in consequence, subsided, all parties rested

rested in the most perfect security, that no further attempt would be made to counteract their honest endeavours to reinstate and restore their property; but in the beginning of July, when this Theatre was more than one third part actually rebuilt, and a very serious expence indeed incurred; a licence to Mr. O'Reilly, from the Lord Chamberlain, was publicly announced, and inserted afterwards in the Gazette for Operas at the Pantheon. This blow indeed seemed at first calculated to extinguish my hopes; confident, however, in his Majesty's benign disposition, and of the public support to a just cause; still further encouraged by the very material circumstance of the Lord Chancellor having afterwards, on the 28th of the same month, ordered a very considerable sum of money to be paid out of the Court of Chancery, after being apprized that its application was to be to the purpose of completing the building:—this circumstance, at first so apparently alarming, proved only, in the consequence, an additional inducement to me to persevere in my endeavours against those multiplied difficulties, and even calamity itself, to re-establish the undertaking for the ends of justice to a very great number of individuals, all of whom must be completely satisfied before I myself can derive any material advantage from it; and I have the satisfaction to think, that against all these difficulties, and (I

will not say) oppressions so heavily and hardly *heaped* upon me, I have been able, out of a misfortune against which no perishable property can be assured, not only to rear up this Theatre in a manner that, I trust, will be found equally calculated for the safety, the convenience, and the entertainment of the subscribers and the public, and for the security of all the interests concerned in it; but, at the same time, I have established the means by my agreement with Mr. Gallini (the foundation of which, with every personal sacrifice to myself, is justice to every individual who has property at stake in this undertaking, and which I found it the more unavoidably requisite to conclude, as Mr. Gallini had previously engaged Mr. Vestris, and other principal performers, in the contemplation of carrying on Operas another year at Mr. Colman's Theatre, in case this house should not be reinstated) of forming such arrangements as *to secure* the necessary company of performers, in order to be completely in a situation to exercise again that licence, which, it is still my sincere conviction will not, all circumstances reconsidered, be refused to this establishment.

As a ground of this conviction, I beg leave to observe, that the licence was formerly so much considered as a matter of usage and custom, if not even of right, attached to this Theatre, that for a period of sixty years, as I have been
well

well assured, even the form of it was never deemed necessary. And I know, that during the years of my own management, it was sometimes never taken out, for a whole season together, but the customary fee paid when called for, perhaps six months afterwards. Besides which, in the year 1782, after I had made so very expensive an improvement in the Theatre, I made application to the late Duke of Manchester, then Lord Chamberlain, and stated to his Grace the difficult situation I found myself placed in, by depending upon an annual licence, especially in regard to furnishing security to the performers abroad, with whom I found it necessary, in order to secure a succession of the most eminent, to be constantly under engagements for five, six, or even seven years to come, to the amount sometimes of 50,000*l.* or 60,000*l.* for which no man of property would be responsible, without greater assurance of permanency in the undertaking, than was constituted by a licence from year to year; and I submitted to the Duke the propriety of passing a patent for a term of years at least sufficient to cover all necessary anticipated engagements for the Theatre; and the more especially, as an idea had long been afloat of building a magnificent Opera House, under the authority of the dormant patent. His Grace readily admitted, under all the circumstances, the propriety, and even jus-

tice of my request, of being placed upon a more certain footing ; but he suggested to me at the same time, if, after so long an establishment, so uniformly protected by the Crown, and so much credit given upon the confidence of that protection, it would not be advisable still to rest upon the faith of his Majesty's known justice ; and the more especially as he himself knew, that the King had invariably opposed every scheme that should militate against the interests of this Theatre ; at the same time the Duke promised to take occasion to mention to his Majesty the heavy expences which had been incurred in improving the Theatre, and the extensive and encreased number of engagements unavoidably necessary to be constantly under, in order that his Majesty might know that the whole was done upon the faith of his royal protection and justice ; and shortly after the Duke of Manchester acquainted me that he had mentioned the matter to the King, who was graciously pleased to say, as his Grace assured me, that it was then, and had always been his royal intention to protect the two winter theatres and this undertaking, and no more, as the established and necessary, but at the same time sufficient, number of places of public entertainment ; and that therefore whatever sums of money had been laid out, or whatever engagements had or might be formed for this Theatre,

Theatre, would have the security of his Majesty's usual protection and encouragement exclusively. This circumstance, which I deem of the utmost consequence to the interests of this property, I stated upon oath to the Court of Chancery, upon the discussion of the projected patent.

And so strongly did the same idea of justice and protection to the interests of this undertaking prevail in the King's royal breast, after the calamity befel it, that when the Duke of Bedford and Lord Cholmondeley made application to the Lord Chamberlain for his Majesty's leave and permission to build a new Opera House, his Lordship, in exact conformity to the assurances of the Duke of Manchester, answered, THAT IN JUSTICE, THE PREFERENCE MUST BE GIVEN TO THE PLAN OF MR. GALLINI, who was the trustee of the interests of the old Theatre; even although the avowed intentions of those noblemen were not to attempt any thing of the kind, whilst there was a hope remaining of the parties interested in this undertaking being able to reinstate themselves; and even when it should appear that the parties could not rebuild the Theatre, the Duke of Bedford and Lord Cholmondely meant fairly and justly, by preference, to purchase the scite of the perished premises at the highest value, in order to recompence, as
much

much as possible, the interests involved in it ; yet it is extremely singular, that the same licence, which was upon such strong grounds of justice refused to those noblemen, in whose liberality and fortunes the undertaking itself was assured of permanency, responsibility, and magnificence, with, at the same time, the most just intentions towards the interests of the creditors of the property, should afterwards, even subsequently to the decision of the Lord Chancellor, be given to a man under the circumstances of Mr. O'Reilly ; whose views upon this property did not, like the intentions of those noblemen, arise out of the misfortune, and the consequent extreme improbability of the parties being, under so heavy a loss, able to reinstate themselves : for it appears by Mr. O'Reilly's affidavit, that, in the month of May preceeding the fire, he had, in conjunction with Mr. Gallini, laid a scheme for circumventing and possessing themselves jointly of this property, by buying up the original mortgage—Shares upon it ; a scheme, which was by the calamity in some degree suspended, but by no means relinquished.

Having thus related past circumstances, respecting this Theatre, I have now only to state its present actual situation. The suit in equity, which so long perplexed and disturbed the concerns of this property, has been, by the
 unanimous

unanimous concurrence of all parties, put an end to. There is no dispute or difference of opinion amongst the principal claimants, with regard to the just and proper measures to be pursued for the common advantage; and many of them have even assisted in re-establishing the undertaking, and have further offered to relinquish a part of their claims, in proportion to the expences incurred in consequence of the calamity. The building of the Theatre itself is completely finished, on a plan of magnificence and accommodation to challenge a comparison with any Theatre in Europe. A company of the most eminent performers is actually engaged, and ready to perform.

With regard to the terms, upon which the future management may be conducted, and the credit of the entertainments maintained and secured, with justice to all parties, I will state it in a plain proposition, of which I have already approved :—

That the whole of the leases, property, and income of the Theatre, as well subscriptions as receipts, shall be made over to trustees, in such manner as Counsel shall direct, so as to extinguish all other trusts or claims affecting the property: that a power of absolute controul over the whole business of the Theatre shall be lodged in a Committee of Noblemen, with the approbation of the

Lord

Lord Chamberlain; and that such a sum as shall be judged requisite for the most liberal establishment of the entertainments shall, in the first place, be set apart for their disposal, in order to secure the due performance of all engagements and other annual expences of the undertaking; after which, the surplus, or accruing profits, to become vested in trustees for the benefit of all the just claimants and creditors upon the property. Further, if, by investigation of such Committee of Noblemen, or upon any arbitration appointed by them, it shall appear that Mr. O'Reilly deserves, all circumstances considered, to receive a compensation for the loss or disappointment which may arise to him, from the just re-establishment of the old Theatre, and that the reinstated property can afford to make such compensation, I am ready to consent that such an additional incumbrance shall take place of any personal advantage to myself; and, finally, if any sacrifice, beyond these propositions, is expected or required from me, I am willing to leave the whole business to a just and impartial arbitration, and pledge myself to regulate my conduct by their decision.

I have only to add, that, if in the progress of this business, I have written or said any thing disrespectful or disobliging to any person, more than circumstances
of

of my situation seem to justify, I trust I may claim some allowance to be made for the irritated state in which the mind of a man must have been, who, without being conscious of having offended, or intentially injured any one, finds his just endeavours and best intentions thwarted and opposed, and his most flattering hopes possibly destroyed, by unexpected difficulties, not to say unprovoked persecution.

I must also beg leave to add, that in speaking of Mr. O'Reilly's cause and conduct, I hope I shall not be misunderstood to mean any reflection on noble persons, whose countenance, I have been given to understand, he has obtained; being well convinced that such countenance never would have been given to him, to my detriment, and the possible ruin of my property, if both my conduct and the state of that property had not been most wilfully misrepresented to those noble persons.

To conclude;—I shall now, with the most dutiful respect, but with humble confidence, proceed to make application to his Majesty, through the Right Hon. the Lord Chamberlain, for a continuation of his royal licence; and I have no doubt, when all the circumstances are fully known to his Majesty, but I shall obtain that protection which all his subjects uniformly experience in his Majesty's justice and benignity.

Yet,

Yet, if it were possible I should be disappointed in this fervent expectation, I shall still be persuaded that it will be owing to nothing but the persecuting and cruel misrepresentation of interested persons; whose efforts, nevertheless, I pledge myself to all the parties interested in this property, I will unremittingly endeavour by all just means to counteract; still having the sanguine hope, that this undertaking may yet become beneficial to them, instead of remaining a splendid monument of unexampled oppression.

W. TAYLOR.

King's Theatre, Haymarket.

INSTRUCTIONS TO THE SURVEYORS,
TOGETHER WITH THEIR REPORT.

“ BY the directions of the committee of Noblemen, the
 “ following Surveyors, viz. *Henry Holland, George Dance,*
 “ *Richard Norris, Esqrs.* (named on the part of the Pan-
 “ theon Theatre) and *John Johnson, Robert Brettingham,*
 “ and *Thomas Hardwick, Esqrs.* (named on the part of
 “ the Haymarket Theatre) are to survey the New Opera
 “ House in the Haymarket, and also the Pantheon, and ex-
 “ amine

“ amine whether the same are substantial and safe ; and if
“ either of the buildings should be found unsubstantial or
“ unsafe in any respect, they are to state the same respec-
“ tively, and to give their opinions as to what is proper to
“ be done, to render the same substantial and safe.

“ *January 22, 1791.*

“ To Messrs. *Johnson, Brettingham, and Hardwick.*

“ Messrs. *Holland, Dance, and Norris*, the Surveyors
“ appointed on the part of the Pantheon, having declined
“ the Survey, in consequence of directions received from
“ their employer, we request you will proceed to survey the
“ Haymarket Theatre; and that where you find additional
“ strength and security can be given to the building, that
“ you give directions for the same being done ; and we re-
“ quest you will take to your assistance such other eminent
“ Surveyors as you think proper.

“ W. TAYLOR, Proprietor.

“ M. NOVOSIELSKI, Architect.”

“ *King's Theatre, Haymarket, Jan. 24, 1791.*

“ We, whose names are hereunto subscribed, having, pur-
“ suant to the above instructions, from time to time care-
“ fully surveyed the several parts of the Haymarket build-
“ ing

" ing above mentioned, and having ordered such works to
" be added as we conceived would give further security
" thereto, which being now completed, do certify, THAT
" THE SAID BUILDING IS PERFECTLY SAFE
" FOR THE RECEPTION OF THE PUBLIC.

" In the progress of our survey, we FOUND that the
" Theatre, with respect to the audience part, WAS
" SOUND AND SUBSTANTIAL; but the wall at
" the back of the stage, as well as a part of the wall next
" Market-lane (which we are assured by the Proprietor are
" intended to be taken down at the close of the present
" season of performances, in order to erect additions to the
" Theatre) required, in our judgment, the additional works,
" which have since been given them."

" JOHN JOHNSON,

" JAMES PAINE,

" ROBERT BRETtingham.

" THOMAS HARDWICK.

" Dated the 15th of February, 1791."

F I N I S.